

TRANSCRIPT DUE DATE: **MARCH 5, 2018**

CAUSE NO. 2016-1261-C1

FILED IN
10th COURT OF APPEALS
WACO, TEXAS

THE STATE OF TEXAS
VS.
DANNY WAYNE ALCOSER

IN THE 19TH DISTRICT COURT
OF
McLENNAN COUNTY, TEXAS

Please complete the following:

Date of Judgment or Other Order Appealed From:	4TH JANUARY, 2018
Name of Trial Court Judge:	HONORABLE RALPH STROTHER
Name of Court Reporter:	RACHELLE KARR & TERRI POPEJOY
Name and Address of Defense Attorney on Appeal:	ALAN BENNETT, 510 N VALLEY MILLS DRIVE, STE 500, WACO, TEXAS 76710

Defense Attorney on Appeal: **APPOINTED**

Name and Address of Attorney(s) for the State on Appeal: **ABEL REYNA
302 COURTHOUSE ANNEX
WACO, TX 76701**

Defendant Incarcerated?: **INCARCERATED**

Appeal Bond: **NONE**

Plea: **NOT GUILTY**

Before: **GUILTY**

Offense: **ASSAULT FAMILY VIOLENCE WITH A PRIOR-COUNT I (ENDHANCED);
ENDANGERING A CHILD- COUNT II; INTERFERENCE WITH 911 CALL-COUNT III**

Punishment Assessed:	CONFINEMENT IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION FOR A PERIOD OF <u>TWENTY (20) YEARS TDCJ AND \$10,000 FINE COUNT I, TWO (2) YEARS STATE JAIL AND \$10,000 FINE COUNT II, ONE (1) YEAR COUNTY JAIL AND \$4,000 FINE COUNT III</u>
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By: **JURY**

JON R. GIMBLE
Clerk, District Courts
McLennan County, Texas

an County, Texas
Aricia Dann

By: _____
Deputy

CC: 2016-1261-C1
Appeals Clerk*

2016-1261-C1
No. 2016-1216-C1

STATE OF TEXAS

v.

DANNY ALCOSER

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§

IN THE 19TH DISTRICT COURT

OF

McLENNAN COUNTY, TEXAS

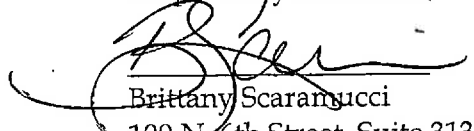
NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DANNY ALCOSER, Defendant in the above styled and numbered cause and files this Notice of Appeal. The trial court timely certified Defendant's right to appeal.

Defendant hereby gives written Notice of Appeal to the Tenth Court of Appeals for the State of Texas, at Waco, from said judgment and imposition of sentence.

Respectfully submitted,


Brittany Scaramucci
100 N. 6th Street, Suite 313
Waco, Texas 76701

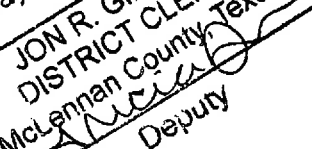
Phone: (254) 301-9295

Fax: (8254-522-7918

Email: Brittany@BosqueAttorney.com

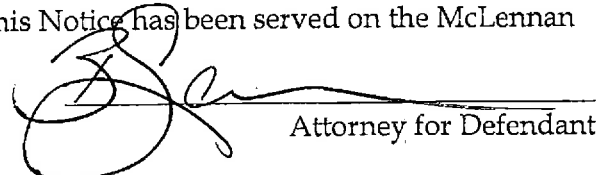
SBN: 24061388

Attorney for Danny Wayne Alcoser

FILED 208
4 Day of JAN 2018
at 10 o'clock M
JON R. GIMBLE
DISTRICT CLERK
McLennan County, Texas
By  Deputy

CERTIFICATE OF SERVICE

I certify that on January 4, 2018, a copy of this Notice has been served on the McLennan County District Attorney's Office by email.


Attorney for Defendant

NO. 2017-1261 - C1

THE STATE OF TEXAS

VS.

DANNY WAYNE ALCOSER

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§
§

IN THE 19TH DISTRICT COURT

OF

MCLENNAN COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I, Judge of the trial court, certify this criminal case:

- ☒ is not a plea-bargain case, and the Defendant has the right of appeal. [OR]
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the Defendant has the right of appeal [OR]
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the Defendant has the right of appeal. [OR]
- ☐ is a plea-bargain case, and the Defendant has NO right of appeal. [OR]
- ☐ the Defendant has waived the right of appeal.

Judge

[Signature]

Date Signed

1/24/18

FILED
4 Day of Jan, 2018
at 10 o'clock M
JON R. GIMBLE
DISTRICT CLERK
McLennan County, Texas
By Dan Deputy

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. Tex. R. App. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Defendant

Mailing Address:

Telephone Number:

Fax Number:

Defendant's Counsel

State Bar #:

Mailing Address:

Telephone Number:

Fax Number:

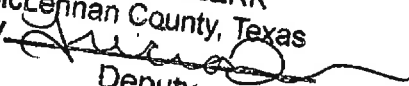
2401388
Po Box 438

VALLEY MILLS, TX 76689

254-301-9195

254-522-7918

*"A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case – that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant – a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2).

FILED
4 Day of Jan, 2018
at 10 o'clock M
JON R. GIMBLE
DISTRICT CLERK
McLennan County, Texas
By  Deputy

CAUSE NO. 2016-1261-C1

THE STATE OF TEXAS § IN THE 19TH DISTRICT COURT
VS. § OF
DANNY WAYNE ALCOSER § MCLENNAN COUNTY, TEXAS

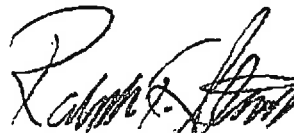
ORDER APPOINTING ATTORNEY ON APPEAL

On this day it having been made known to the Court that the Defendant in the above entitled and numbered cause does not have an attorney, does not have sufficient funds to employ an attorney, and desires to appeal the judgment of conviction herein rendered against him on January 4, 2018.

The Court does here and now appoint ALAN BENNETT, BAR# 02140700, a duly licensed attorney practicing at the Bar of this Court, to represent said Defendant herein.

It is further ORDERED that the Official Court Reporter and the Clerk of the above named Court shall prepare a transcript of the papers and proceedings in this cause for said Defendant to be filed with the Clerk.

SIGNED on January 7, 2018.


RALPH T. STROTHER
JUDGE PRESIDING

cc: Attorney
District Attorney
Court Reporter